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Subject:Hoover v. Quality Loan Service Corporation of Washington et 20-04002-MJH Supplemental Transmittal of Record on Appeal

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U.S. Bankruptcy Court Western District of Washington

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Notice of Electronic Filing

The following transaction was received from Manley, Sherri entered on 4/1/2021 at 4:16 PM PDT and filed on 4/1/2021

Case Name: Hoover v. Quality Loan Service Corporation of Washington et

Case Number: [20-04002-MJH](#)

Docket Text: Supplemental Transmittal of Record on Appeal - Statement of Issues on Appeal and Notice of Ordering of Transcript on Appeal. BK Internal Appeal Number 21-T003 (Related document(s)[89], [113], [115], [116]) (SLM)

Document Number: 117

The above document(s) are associated with this transaction:

20-04002-MJH Notice will be electronically mailed to:

Jason D Anderson on behalf of Plaintiff Sarah Hoover
jason@alkc.net

Emilie K Edling on behalf of Defendant HSBC Bank USA, NA
eedling@houser-law.com, rperez@houser-law.com

Christina L Henry on behalf of Plaintiff Sarah Hoover
chenry@hdm-legal.com, HenryDeGraaffPS@jubilee bk.net;mainline@hdm-legal.com;igotnotices@henrydegraaff.com

John Anthony McIntosh on behalf of Defendant IH6 Property Washington LP
johnm@schweetlaw.com

Joseph W McIntosh on behalf of Defendant Quality Loan Service Corporation of Washington
jmcintosh@McCarthyHolthus.com, wbabst@mccarthyholthus.com

Robert W Norman on behalf of Defendant HSBC Bank USA, NA
rnorman@houser-law.com, rperez@houser-law.com

20-04002-MJH Notice will not be electronically mailed to:

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re

SARAH HOOVER,

Debtor.

Chapter 13

Case No.: 19-42890-MJH

Adversary No.: 20-04002-MJH

SARAH HOOVER,

Plaintiff,

vs.

QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON,
PHH MORTGAGE CORPORATION
D/B/A PHH MORTGAGE SERVICES,
HSBC BANK USA, N.A., AS
TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST,
SERIES 2006-2, NEWREZ, LLC, AND
IH6 PROPERTY WASHINGTON, L.P.
D/B/A INVITATION HOMES

Defendants.

**APPELLANTS' STATEMENT OF
ISSUES AND DESIGNATION OF
RECORD ON APPEAL FROM
MEMORANDUM AND ORDER ON
CROSS-MOTIONS FOR SUMMARY
JUDGMENT (DOCS. 81 & 82) AND
ORDER DENYING MOTION FOR
RECONSIDERATION (DOC. 99)**

Defendants-Appellants PHH Mortgage Corporation D/B/A PHH Mortgage Services; NewRez, LLC; and HSBC Bank USA, N.A., as Trustee of the Fieldstone Mortgage Investment Trust, Series 2006-2 (collectively, “Defendants”), pursuant to Federal Rule of Bankruptcy Procedure 8009, submits its (i) statement of issues (“Statement of Issues”) to be presented on its appeal of the *Memorandum Decision on Cross-Motions for Summary Judgment* (Doc. 81); *Order on Cross-Motions for Summary Judgment* (Doc. 82); and *Order Denying Motion for Reconsideration* (Doc. 99) in the above-captioned case, and (ii) designation of items in the record (“Designation of Record”) to be included in the record on its appeal of both orders.

I. STATEMENT OF ISSUES

Defendants present the following issues on appeal:

1. Whether the Bankruptcy Court erred in granting Plaintiff’s Motion for Partial Summary Judgment against the Defendants and in denying the Defendants’ Motion for Summary Judgment on the issue of whether Defendants violated the automatic bankruptcy stay and/or whether the Sale was void under the bankruptcy stay, given Defendants established that Plaintiff’s interest in the Property was not protected under the automatic stay because she was not in title to the Property, she was not obliged on the Loan and there was therefore no debtor-creditor relationship, she was not a confirmed “successor in interest” in the Defendants’ records due to her own failure to complete the necessary documents to be so designated, Defendants did not have adequate notice or knowledge of Plaintiff’s bankruptcy or her interest in the Property, the Property was held in a spendthrift trust that excluded it from being property of the estate under § 541(c)(2), and Plaintiff provided no evidence of any damages resulting from any alleged violation of the stay.

2. Whether the Bankruptcy Court erred in denying Defendants’ Motion to Annul the Automatic Stay based on the Court’s balancing of the equities, which failed to

1 appropriately weigh the fact that Plaintiff obtained a benefit by living at the Property;
2 Plaintiff filed for Bankruptcy for the sole purpose of stopping the sale of Property she knew
3 secured a Loan that had been in long-term default and which she could not reinstate; Plaintiff
4 delayed four months before filing for bankruptcy and notifying Defendants the day before
5 the sale of her bankruptcy; and Plaintiff engaged in other inequitable conduct, and then
6 sought damages and punitive damages in her claim against Defendants.

7 3. Whether the Bankruptcy Court erred in granting Plaintiff's Motion for Partial
8 Summary Judgment against Defendants and in denying the Defendants' Motion for
9 Summary Judgment with regard to whether Defendants engaged in a willful violation of the
10 automatic stay, and also erred in ruling PHH acted with a "complete disregard" for Plaintiff's
11 rights," because there was no evidence that Defendants had knowledge that Plaintiff was in
12 title to the Property (given that she wasn't), nor that Defendants had knowledge that Plaintiff
13 was obliged under the contractual terms of the Loan (given that she wasn't), nor did
14 Defendants have any basis for believing Plaintiff had an interest in the Property that was
15 protected by the automatic stay, among other reasons.

16 4. Whether the Bankruptcy Court erred in denying Defendants' Motion for
17 Reconsideration, in light of the information Defendants provided in the motion concerning
18 the Court's ruling on whether Defendants "willfully" violated the automatic bankruptcy stay
19 and/or showed a "complete disregard" for Plaintiff's rights; whether the balancing of equities
20 weighed in favor of denying Defendants' Motion to Annul; and whether Plaintiff's claim for
21 violation of the automatic stay could survive summary judgment when Plaintiff failed to
22 provide evidence of damages.

23 **II. DESIGNATION OF THE RECORD**

24 Appellants designate the following items to be included in the record on its appeal.

25 To the extent exhibits are attached to or referred to in any of the items identified below, they

26 APPELLANTS' STATEMENT OF ISSUES AND
DESIGNATION OF RECORD ON APPEAL FROM
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shall be included in the Designation of Record. In addition, Appellants hereby designate in the record on appeal the transcripts of the court hearings as further identified below and in Appellant's *Notification of Ordering Transcript on Appeal* ("Transcript Notification"). The Transcript Notification is being filed with the Court simultaneously with this Statement of Issues.

| <u>Docket #</u> | <u>Date Filed</u> | <u>Description of Document/Date Entered</u> |
|--|-------------------|---|
| Adversary Action No. 20- 04002-MJH unless otherwise stated | | |
| 1 | 01/25/2020 | Adversary case 20-04002. Complaint by Sarah Hoover (attorneys Christina L Henry, Jason D Anderson, Christina L Henry) against Quality Loan Services of Washington (attorneys Robert William McDonald, Lance Olsen), PHH Mortgage Corporation, New Rez, LLC, HSBC Bank USA NA, IH6 Property Washington, LP (attorneys John A. McIntosh, Thomas S Linde). . (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H) Nature of Suit: (14 (Recovery of money/property - other)) (Henry, Christina) (Entered: 01/25/2020) |
| 7 | 02/04/2020 | Amend Complaint. Defendant not added. Defendants not added. Amending: Amended to correct name of defendant PHH Mortgage Corporation d/b/a PHH Mortgage Services and to update addresses of defendants.. (Related document(s)1 Complaint)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H) (Henry, Christina) (Entered: 02/04/2020) |
| 13 | 02/24/2020 | Motion for Summary Judgment with Notice of Hearing. Filed by Joseph W McIntosh on behalf of Qualilty Loan Service Corporation of Washington The Hearing date is |

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| | | set for 3/24/2020 at 01:00 PM at Judge Heston's Courtroom H, Union Station. Response due by 3/17/2020. (McIntosh, Joseph) (Entered: 02/24/2020) |
| 14 | 02/25/2020 | Answer to Complaint (Related document(s)7 Amend Complaint). Filed by Joseph W McIntosh of McCarthy & Holthus, LLP on behalf of Qualilty Loan Service Corporation of Washington. (McIntosh, Joseph) (Entered: 02/25/2020) |
| 15 | 02/25/2020 | Stipulated Statement Deposit of Surplus Funds... Filed by Joseph W McIntosh of McCarthy & Holthus, LLP on behalf of Qualilty Loan Service Corporation of Washington. (McIntosh, Joseph) (Entered: 02/25/2020) |
| 17 | 02/28/2020 | Answer to Complaint (Related document(s)7 Amend Complaint). Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington LP. (McIntosh, John) (Entered: 02/28/2020) |
| 18 | 03/03/2020 | ORDER Consolidating Actions and Setting Status Conference. The Status Conference is set for 3/13/2020 at 09:00 AM at Judge Heston's Courtroom H, Union Station, 1717 Pacific Ave, Courtroom H, Tacoma, WA. (SLM) (Entered: 03/03/2020) |
| 22 | 03/11/2020 | Amended Answer to Complaint (Related document(s)7 Amend Complaint). Filed by Ryan S Moore on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Moore, Ryan) (Entered: 03/11/2020) |
| 26 | 03/17/2020 | Declaration of Christina L Henry (Related document(s)13 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 03/17/2020) |
| 28 | 03/17/2020 | Response to Motion for Summary Judgment and Dismissal ny Defendant Quality Loan Service Coro of Washington (Related document(s)13 Motion for |

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| | | Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Proposed Order) (Henry, Christina) (Entered: 03/17/2020) |
| 29 | 03/19/2020 | Reply (Related document(s)13 Motion for Summary Judgment)... Filed by Joseph W McIntosh of McCarthy & Holthus, LLP on behalf of Qualilty Loan Service Corporation of Washington. (McIntosh, Joseph) (Entered: 03/19/2020) |
| 40 | 05/18/2020 | ORDER Directing Deposit of Surplus Funds to be Placed in a Non-Interest- Bearing Account in Court Registry Re: Stipulation for Deposit of Surplus Funds Into the Court Registry Pending Further Court Order (ECF NO. 15). (Related document(s)15). (TGR) (Entered: 05/18/2020) |
| 41 | 05/20/2020 | BNC Certificate of Notice (Related document(s)40 Order GENERIC). Notice Date 05/20/2020. (Admin.) (Entered: 05/20/2020) |
| 42 | 08/06/2020 | Plaintiff's Motion for Summary Judgment (Partial) with Notice of Hearing. Filed by Christina L Henry on behalf of Sarah Hoover The Hearing date is set for 9/3/2020 at 09:00 AM at Judge Heston's Courtroom H, Union Station. Response due by 8/27/2020. (Henry, Christina) (Entered: 08/06/2020) |
| 43 | 08/07/2020 | Declaration of Sara Hoover in Support of Motion for Partial Summary Judgment (Related document(s)42 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6 # 7 Exhibit 7) (Henry, Christina) (Entered: 08/07/2020) |
| 44 | 08/07/2020 | Declaration of Christina L Henry in Support of Partial Motion to Dismiss (Related document(s)42 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit A # 2 Exhibit B - part 1 # 3 Exhibit B - part 2 # 4 Exhibit C # 5 Exhibit D # 6 Exhibit E # 7 Exhibit F) (Henry, Christina) (Entered: 08/07/2020) |
| 45 | 08/07/2020 | Notice of Hearing on Plaintiff's Motion for Partial Summary Judgment (Related document(s)42 Motion for |

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| | | Summary Judgment). Filed by Christina L Henry on behalf of Sarah Hoover. (Henry, Christina) (Entered: 08/07/2020) |
| 46 | 08/07/2020 | Supplemental Filing of Proposed Order. Filed by Christina L Henry on behalf of Sarah Hoover. (Related document(s)42 Motion for Summary Judgment). (Henry, Christina) (Entered: 08/07/2020) |
| 50 | 08/10/2020 | Supplemental Declaration of Christina L Henry in Support of Partial Motion for Summary Judgment (Related document(s)42 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit G) (Henry, Christina) (Entered: 08/10/2020) |
| 56 | 08/19/2020 | Stipulated Protective ORDER (Related document(s)54). (Attachments: # 1) (CMK) (Entered: 08/19/2020) |
| 58 | 10/15/2020 | Motion for Summary Judgment Renewed (Dkts #13 and #29) with Notice of Hearing. Filed by Joseph W McIntosh on behalf of Qualilty Loan Service Corporation of Washington The Hearing date is set for 11/20/2020 at 09:00 AM at Judge Heston's Courtroom H, Union Station. Response due by 11/13/2020. (Attachments: # 1 Proposed Order) (McIntosh, Joseph) Incorrect Hearing Date and Incomplete Call In Information. Modified on 10/15/2020 (TGR). (Entered: 10/15/2020) |
| 62 | 10/16/2020 | Defendant's Motion for Summary Judgment with Notice of Hearing and Supplemental Declaration of Christina L Henry via supplemental doc 79. Filed by Ryan S Moore on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation The Hearing date is set for 11/20/2020 at 09:00 AM at Telephonically. Response due by 11/13/2020. (Attachments: # 1 Proposed Order Proposed Order) (Moore, Ryan) No Notice of Hearing Included. Filer Notified. Modified on 10/19/2020 (TGR). Modified on 1/7/2021 (DAS) (Entered: 10/16/2020) |
| 63 | 10/16/2020 | Declaration of Ryan S. Moore (Related document(s)62 Motion for Summary Judgment). Proof of Service. Filed by Ryan S Moore of Houser LLP on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Moore, Ryan) (Entered: 10/16/2020) |

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| 64 | 10/16/2020 | Declaration (Related document(s)62 Motion for Summary Judgment). Proof of Service. Filed by Ryan S Moore of Houser LLP on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Moore, Ryan) (Entered: 10/16/2020) |
| 65 | 10/16/2020 | Motion for Summary Judgment with Supplemental Declaration via Supplemental Doc 79 and Notice of Hearing. Filed by John Anthony McIntosh on behalf of IH6 Property Washington LP The Hearing date is set for 11/20/2020 at 09:00 AM at Judge Heston's Courtroom H, Union Station. Response due by 11/13/2020. (Attachments: # 1 Proposed Order) (McIntosh, John). Related document(s) 79 Declaration filed by Plaintiff Sarah Hoover. Modified on 1/7/2021 (DAS). (Entered: 10/16/2020) |
| 68 | 11/13/2020 | Response to Plaintiff's Motion for Partial Summary Judgment (Related document(s)42 Motion for Summary Judgment). Proof of Service. Filed by Robert W Norman on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Norman, Robert) (Entered: 11/13/2020) |
| 69 | 11/13/2020 | Response to (Related document(s)42 Motion for Summary Judgment)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington LP. (Attachments: # 1 Pleading Declaration) (McIntosh, John) (Entered: 11/13/2020) |
| 72 | 11/13/2020 | Plaintiff's Response to Plaintiffs Combined Opposition To Motions for Summary Judgment by Defendants PHH Mortgage Corporation, HSBC Bank, and NewRez, LLC, And IH6 Property (Related document(s)62 Motion for Summary Judgment, 65 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 11/13/2020) |
| 73 | 11/13/2020 | Declaration of Christina L Henry in Support of Plaintiffs Combined Opposition To Motions for Summary Judgment by Defendants PHH Mortgage Corporation, HSBC Bank, and NewRez, LLC, And IH6 Property (Related document(s)62 Motion for Summary Judgment, 65 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on |

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| | | behalf of Sarah Hoover. (Attachments: # 1 Exhibit A # 2 Prudent Exhibit 3 # 3 Prudent Exhibit 4 # 4 Prudent Exhibit 6 # 5 Prudent Exhibit 10 # 6 Prudent Exhibit 13 # 7 Prudent Exhibit 15 # 8 Prudent Exhibit 16 # 9 Exhibit B # 10 Exhibit C # 11 Exhibit D # 12 Exhibit E # 13 Exhibit F # 14 Exhibit G # 15 QLS Exhibit 1 # 16 Exhibit H # 17 IHG Exhibit 1 # 18 Exhibit I # 19 Exhibit J # 20 Exhibit K # 21 Exhibit L # 22 Stenman Exhibit 3) (Henry, Christina) (Entered: 11/13/2020) |
| 74 | 11/16/2020 | Reply (Related document(s)58 Motion for Summary Judgment)... Filed by Joseph W McIntosh of McCarthy & Holthus, LLP on behalf of Qualilty Loan Service Corporation of Washington. (McIntosh, Joseph) (Entered: 11/16/2020) |
| 75 | 11/17/2020 | Reply to Plaintiff's Combined Opposition to Motions for Summary Judgment (Related document(s)72 Response). Proof of Service. Filed by Robert W Norman on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Norman, Robert) (Entered: 11/17/2020) |
| 76 | 11/17/2020 | Reply In Support of Plaintiffs Motion for Partial Summary Judgment (Related document(s)42 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 11/17/2020) |
| 77 | 11/17/2020 | Reply (Related document(s)65 Motion for Summary Judgment)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington LP. (Attachments: # 1 Pleading Declaration) (McIntosh, John) (Entered: 11/17/2020) |
| 79 | 01/07/2021 | Supplemental Declaration of Christina L Henry in Support of Opposition to Motions for Summary Judgment by Defendants (Related document(s)73 Declaration 62Defendants Motion for Summary Judgment, 65 Motion For Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit K) (Henry,Christina). Related document(s) 62 filed by Defendant NewRez, LLC, Defendant PHH Mortgage Corporation, Defendant HSBC Bank USA, NA, 65 |

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| | | Motion for Summary Judgment filed by Defendant IH6 Property Washington LP. (Entered: 01/07/2021) |
| 80 | 01/07/2021 | Statement Praeipce to Plaintiff's Combined Opposition to Motions For Summary Judgment By Defendants PHH Mortgage Corporation, HSBC Bank, and NewRez, LLC, and IH6 Property (Related document(s)62 Motion for Summary Judgment, 65 Motion for Summary Judgment)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 01/07/2021) |
| 81 | 02/08/2021 | Memorandum Decision on Cross- Motions for Summary Judgment. (Related document(s)58, 62, 65). (TGR) (Entered: 02/08/2021) |
| 82 | 02/08/2021 | ORDER on Cross- Motions for Summary Judgment. (Related document(s)42, 58, 62, 65). (TGR) (Entered: 02/08/2021) |
| 86 | 02/19/2021 | ORDER Granting Motion to Extend Deadlines for Filing Motion for Reconsideration, Notice of Appeal, and Motion for Leave to Appeal. (Related document(s)82) (SLM) (Entered: 02/19/2021) |
| 88 | 02/26/2021 | Motion to Reconsider. Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, IH6 Property Washington LP, NewRez, LLC, PHH Mortgage Corporation. (Related document(s) 92 Amended Motion to Reconsider, 94 Amended Motion to Reconsider) (Edling, Emilie) Modified on 3/3/2021. (SLM). Modified on 3/8/2021 (TGR). (Entered: 02/26/2021) |
| 89 | 02/26/2021 | Notice of Appeal and Statement of Election to District Court. USDC Case No 21-5154-BHS; Internal Appeal No 21-T003. Fee Due \$ 298. Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. Record Transmission due by 03/26/2021. (Related document(s) 81, 82) (Edling, Emilie) Modified on 3/3/2021. (SLM) (Entered: 02/26/2021) |
| 94 | 03/05/2021 | Amended Motion to Reconsider Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation (Edling, Emilie) (Entered: 03/05/2021) |
| 95 | 03/15/2021 | Motion for Stay Pending Appeal ; Memorandum of Points and Authorities in Support Thereof # 3:21-cv- |

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| | | 05154-BHS. Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. The Hearing date is set for 4/8/2021 at 01:00 PM at Telephonically. (Attachments: # 1 Proposed Order Proposed Order)(Edling, Emilie) (Entered: 03/15/2021) |
| 97 | 03/18/2021 | Supplemental Memorandum of Points and Authorities in Support of Motion to Stay (Related document(s)95 Motion for Stay Pending Appeal). Proof of Service. Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Edling, Emilie) (Entered: 03/18/2021) |
| 99 | 03/19/2021 | ORDER Denying Motion for Reconsideration. (Related Doc # 94) . (TGR) (Entered: 03/19/2021) |
| 101 | 03/22/2021 | Plaintiff's Response to Motion for Stay Pending Appeal (Related document(s)95 Motion for Stay Pending Appeal)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 03/22/2021) |
| 102 | 03/22/2021 | Declaration of Sarah Hoover in Support of Opposition to Stay Pending Appeal (Related document(s)95 Motion for Stay Pending Appeal)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 03/22/2021) |
| 103 | 03/22/2021 | Declaration of Christina L Henry in Support of Opposition to Stay Pending Appeal (Related document(s)95 Motion for Stay Pending Appeal)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I # 10 Exhibit J # 11 Exhibit K # 12 Exhibit L) (Henry, Christina) (Entered: 03/22/2021) |
| 107 | 03/25/2021 | Reply in Support of Motion to Stay and Discovery Issues (Related document(s)95 Motion for Stay Pending Appeal). Proof of Service. Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. (Attachments: # 1 Declaration of Emilie K. Edling in Support) (Edling, Emilie) (Entered: 03/25/2021) |

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| 110 | 03/30/2021 | ORDER Denying Motion to Stay Proceedings Pending Appeal and Ordering Other Relief. Status Conference set for 4/20/21 at 2:30 PM Telephonically. (Related Doc # 95) . (TGR) (Entered: 03/30/2021) |
| 113 | 03/30/2021 | Notice of Appeal and Statement of Election to District Court.. (AMENDED) Fee Due \$ 298(AMENDED) (Related document(s)82 Order GENERIC, 99 Order Re Motion to Reconsider). Filed by Emilie K Edling on behalf of HSBC Bank USA, NA, NewRez, LLC, PHH Mortgage Corporation. Record Transmission due by 04/27/2021, (Edling, Emilie) (Entered: 03/30/2021) |
| 3/31/2021 | Not yet docketed | Statement of Issues and Designation of Record |
| N/A | N/A | Docket for Adversary Action No. 20-04002-MJH, showing all minute entries without docket numbers and other entries |
| Bankruptcy Petition #19-42890-MJH 1 | 09/09/2019 | Chapter 13 Voluntary Petition, Individual, . Statement of Financial Affairs due 9/24/2019. Schedules A-J due 9/24/2019. Summary of schedules due 9/24/2019. Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period, Form 122C-1 Due 9/24/2019 Chapter 13 Plan due 9/24/2019. Incomplete Filings due by 9/24/2019. Filed by Sarah Hoover (PSB) Additional attachment(s) added on 9/9/2019 (MT). (Entered: 09/09/2019) |
| Bankruptcy Petition #19-42890-MJH 5 | 09/09/2019 | Application to Pay Filing Fees in Installments . . Filed by Sarah Hoover (MT) (Entered: 09/09/2019) |
| Bankruptcy Petition #19-42890-MJH 6 | 09/09/2019 | Notice of Order Approving Filing Fee Installment Payments, ORDER Granting Payment of Filing Fee in Installments: Entry of an order of discharge will be held in abeyance until filing fees are paid in full. Mark L. Hatcher, Clerk. Text only order . Final Installment Payment due by 1/7/2020. (MT) (Entered: 09/09/2019) |
| Bankruptcy Petition #19-42890-MJH 7 | 09/09/2019 | Notice of Deficient Filing . (MT) (Entered: 09/09/2019) |

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| Bankruptcy Petition #19- 42890-MJH 9 | 09/10/2019 | Debtor(s) Requirements to Send Documents to the Trustee. Sent to BNC for Mailing. (admin) (Entered: 09/10/2019) |
| Bankruptcy Petition #19- 42890-MJH (Not numbered) | 09/25/2019 | Pursuant to Local Bankruptcy Rule 1017-1(d) and Fed. R. Bankr. P. 3015(b), the Chapter 13 Trustee (as designated by the United States Trustee) moves the Court ex parte for an order dismissing this case because Debtor failed to timely file schedules, statements, lists and/or a plan. The Debtor was given notice of this deficiency, the deadline, and that the Chapter 13 Trustee may file this ex parte motion if the debtor did not cure the deficiency. (Related document(s)7 Notice of Deficient Filing). Filed by Michael G. Malaier on behalf of Michael G. Malaier. (Malaier, Michael) (Entered: 09/25/2019) |
| Bankruptcy Petition #19- 42890-MJH 14 | 09/26/2019 | Ex Parte ORDER Dismissing Case for Inadequate Filing. This matter comes before the Court on the Chapter 13 Trustee's Ex Parte Application for Order Dismissing Case for Failure to File Schedules, Statements, Lists, or Plan. The debtor(s) having received notice of dismissal for failure to timely file required schedules, statements, lists and/or plan, this case is dismissed pursuant to Local Bankruptcy Rule 1017-1(d) and Fed. R. Bankr. P. 3015(b) for the debtor(s)'s failure to timely file schedules, statements, lists and/or chapter 13 plan. Hereby ordered by Judge Mary Jo Heston. This Notice of Electronic Filing is the Official ORDER for this entry. (Entered: 09/26/2019) |
| Bankruptcy Petition #19- 42890-MJH 16 | 10/02/2019 | Chapter 13 Trustee's Final Report and Account (Malaier, Michael) (Entered: 10/02/2019) |
| Bankruptcy Petition #19- 42890-MJH | 10/02/2019 | CLOSED. This matter has come before the Court in conjunction with the Chapter 13 Trustee filing his Final Report and Accounting, a copy of which was provided |

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| (Not numbered) | | to debtor and debtor's attorney. For purposes of this order, debtor refers to the above-named individual petitioner or joint petitioners. The Court finds that the debtor's case was dismissed pursuant to the Court's Order. Now, therefore, it is hereby ORDERED that the Final Account of the Trustee be and the same is hereby approved; and it is further ORDERED that the standing trustee be and hereby is discharged as Trustee; and it is further ORDERED that this case be and hereby is closed . (MT) (Entered: 10/02/2019) |
| Bankruptcy Petition #19- 42890-MJH 17 | 01/10/2020 | Motion to Reopen Chapter 13 Case ... Filed by John Anthony McIntosh on behalf of IH6 Property Washington L.P. The Hearing date is set for 2/3/2020 at 01:00 PM at Judge Heston's Courtroom H, Union Station. Response due by 1/27/2020. (Attachments: # 1 Proposed Order # 2 Notice of Hearing) (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH 18 | 01/10/2020 | Motion for Relief from Stay, Real Property located at 18205 106th Street East, Bonney Lake, WA... Filed by John Anthony McIntosh on behalf of IH6 Property Washington L.P. The Hearing date is set for 2/3/2020 at 01:00 PM at Judge Heston's Courtroom H, Union Station. Response due by 1/27/2020. (Attachments: # 1 Proposed Order # 2 Notice of Hearing) (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH 19 | 01/10/2020 | Declaration of Michael Lappano (Related document(s)17 Motion to Reopen Chapter 13 Case, 18 Motion for Relief from Stay)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington L.P.. (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH 20 | 01/10/2020 | Declaration of Jeff Stenman (Related document(s)17 Motion to Reopen Chapter 13 Case, 18 Motion for Relief from Stay)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington L.P.. (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH | 01/10/2020 | Declaration John McIntosh (Related document(s)17 Motion to Reopen Chapter 13 Case, 18 Motion for Relief from Stay)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property |

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| 21 | | Washington L.P.. (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH 22 | 01/10/2020 | Proof of Service . Filed by John Anthony McIntosh on behalf of IH6 Property Washington L.P.. (Related document(s)17 Motion to Reopen Chapter 13 Case, 18 Motion for Relief from Stay, 19 Declaration, 20 Declaration, 21 Declaration). (McIntosh, John) (Entered: 01/10/2020) |
| Bankruptcy Petition #19- 42890-MJH 24 | 01/27/2020 | Response to Motion to Annul the Automatic Stay (Related document(s)18 Motion for Relief from Stay)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Henry, Christina) (Entered: 01/27/2020) |
| Bankruptcy Petition #19- 42890-MJH 25 | 01/27/2020 | Declaration of Sarah Hoover in Support of Response to Motion to Annul the Stay (Related document(s)18 Motion for Relief from Stay)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I # 10 Exhibit J # 11 Exhibit K # 12 Exhibit L # 13 Exhibit M # 14 Exhibit N # 15 Exhibit O # 16 Exhibit P # 17 Exhibit Q) (Henry, Christina) (Entered: 01/27/2020) |
| Bankruptcy Petition #19- 42890-MJH 26 | 01/27/2020 | Declaration of Christina L Henry in Support of Response to Motion to Annul the Automatic Stay (Related document(s)18 Motion for Relief from Stay)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5) (Henry, Christina) (Entered: 01/27/2020) |
| Bankruptcy Petition #19- 42890-MJH 28 | 01/29/2020 | Reply in Support of Motion to Annul Automatic Stay (Related document(s)18 Motion for Relief from Stay). Proof of Service. Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington L.P.. (Attachments: # 1 Proof of Service) (McIntosh, John) (Entered: 01/29/2020) |
| Bankruptcy Petition #19- 42890-MJH 33 | 01/31/2020 | Supplemental Declaration of Sarah Hoover in Support of Response to Motion to Annul the Automatic Stay (Related document(s)18 Motion for Relief from Stay)... Filed by Christina L Henry of Henry & Degraaff, P.S. on behalf of Sarah Hoover. (Attachments: # 1 Exhibit 1 |

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| | | - Trust Agreement # 2 Exhibit 2 - Amended One to Trust Agreement # 3 Exhibit 3 - Ali Suleiman Trust - Amendment Two # 4 Exhibit 4 - Ali Suleiman Trust - Amendment Three # 5 Exhibit 5 - Ali Suleiman Trust - Amendment Four # 6 Exhibit 6 - Affidavit of Trust Existence and Authority signed on November 25, 2003 # 7 Exhibit 7 - Certificate and Affidavit of Trust Existence signed on March 19, 2015 # 8 Exhibit 8 - Codicil to the Last Will of Ali Suleiman) (Henry, Christina) (Entered: 01/31/2020) |
| Bankruptcy Petition #19- 42890-MJH 37 | 02/14/2020 | ORDER REOPENED CASE. Granting Motion to Reopen Chapter 13 Case. (Related Doc # 17) Review Case on: 4/14/2020. (DAS) (Entered: 02/14/2020) |
| Bankruptcy Petition #19- 42890-MJH 38 | 02/17/2020 | Supplemental Reply (Related document(s)18 Motion for Relief from Stay)... Filed by John Anthony McIntosh of Schweet Linde & Coulson on behalf of IH6 Property Washington L.P.. (McIntosh, John) (Entered: 02/17/2020) |
| Bankruptcy Petition #19- 42890-MJH 40 | 02/20/2020 | Joinder in Support (Related document(s)18 Motion for Relief from Stay). Proof of Service. Filed by Ryan S Moore on behalf of PHH Mortgage Corporation. (Moore, Ryan) (Entered: 02/20/2020) |
| Bankruptcy Petition #19- 42890-MJH 41 | 2/20/2020 | Declaration of Ryan S. Moore (Related document(s)40 Joinder). Proof of Service. Filed by Ryan S Moore on behalf of PHH Mortgage Corporation. (Attachments: # 1 Exhibit A) (Moore, Ryan) (Entered: 02/20/2020) |
| Bankruptcy Petition #19- 42890-MJH 44 | 03/03/2020 | ORDER Consolidating Actions and Setting Status Conference. (Related document(s)18, 23) (SLM) (Entered: 03/03/2020) |
| N/A | N/A | Docket for Bankruptcy Petition #19-42890-MJH, showing all minute entries without docket numbers and other entries |

1 DATED: March 31, 2021

HOUSER LLP

2 By: /s/ Emilie K. Edling
3 Emilie K. Edling WSBA No. 45042
4 eedling@houser-law.com
5 Robert W. Norman, Jr. WSBA No. 37094
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7 *Attorneys for Defendants PHH Mortgage*
8 *Corporation, HSBC Bank USA, N.A., as*
9 *Trustee of the Fieldstone Mortgage*
10 *Investment Trust, Series 2006-2, and*
11 *NewRez, LLC*

CERTIFICATE OF SERVICE

On March 31, 2021, I served the foregoing document(s): APPELLANTS' STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL FROM MEMORANDUM AND ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT (DOCS. 81 & 82) AND ORDER DENYING MOTION FOR RECONSIDERATION (DOC. 99), in the manner described below:

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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 Dated: March 31, 2021

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5 Rachel M. Perez
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re

SARAH HOOVER,

Debtor.

Chapter 13

Case No.: 19-42890-MJH

Adversary No.: 20-04002-MJH

SARAH HOOVER,

Plaintiff,

vs.

QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON,
PHH MORTGAGE CORPORATION
D/B/A PHH MORTGAGE SERVICES,
HSBC BANK USA, N.A., AS
TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST,
SERIES 2006-2, NEWREZ, LLC, AND
IH6 PROPERTY WASHINGTON, L.P.
D/B/A INVITATION HOMES

Defendants.

**NOTIFICATION OF ORDERING
OF TRANSCRIPT ON APPEAL**

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1 A transcript of the electronically recorded proceedings was ordered on March 30,
2 2021 for the hearing occurring on March 29, 2021, on Defendants' Motion to Stay
3 Proceedings Pending Appeal.

4 A transcript of the electronically recorded proceedings was ordered on March 31,
5 2021 for the hearing occurring on November 20, 2020, on the Parties' Cross-Motions for
6 Summary Judgment and Motion to Annul Stay.

7 DATED: March 31, 2021

HOUSER LLP

8 By: /s/ Emilie K. Edling
9 Emilie K. Edling WSBA No. 45042
10 eedling@houser-law.com
11 Robert W. Norman, Jr. WSBA No. 37094
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13 *Attorneys for Defendants PHH Mortgage*
14 *Corporation, HSBC Bank USA, N.A., as*
15 *Trustee of the Fieldstone Mortgage*
16 *Investment Trust, Series 2006-2, and*
17 *NewRez, LLC*

CERTIFICATE OF SERVICE

On March 31, 2021, I served the foregoing document(s): NOTIFICATION OF ORDERING OF TRANSCRIPT ON APPEAL, in the manner described below:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 31, 2021


Rachel M. Perez